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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SEVENTH SESSION

Letter dated 24 May 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Croatia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

Upon instructions from my Government, I wish to inform you, as the Chairman of the fifty-first session of the Commission on Human Rights, of the position of the Republic of Croatia, as a State party to the Conventions on Slavery, regarding the document of the Commission on Human Rights (Sub-Commission on Prevention of Discrimination and Protection of Minorities, Working Group on Contemporary Forms of Slavery, twentieth session) under agenda item 3 (b) of the provisional agenda - Review of the implementation of and the follow-up to the Conventions on Slavery, review of information received regarding the implementation of the Conventions and Programmes of Action - entitled "Report of the Secretary-General containing information received from States regarding the implementation of the conventions, submitted pursuant to Commission on Human Rights resolution 1994/25" (E/CN.4/Sub.2/AC.2/1995/5).

The Republic of Croatia strongly objects to the fact that information submitted by the "Federal Republic of Yugoslavia (Serbia and Montenegro)" was included in the document under the heading of "Yugoslavia". Given that the "Federal Republic of Yugoslavia (Serbia and Montenegro)" has not notified of its succession to the Conventions on Slavery, it cannot be considered a party to the said Conventions. Furthermore, the placement of the information submitted by the "Federal Republic of Yugoslavia (Serbia and Montenegro)" under the heading "Yugoslavia" could be interpreted as giving credibility to

the claims that the "Federal Republic of Yugoslavia (Serbia and Montenegro)" represents the continuation of the international legal personality of the former Socialist Federal Republic of Yugoslavia (SFRY).

I wish to point out that such an interpretation is in conflict with the position of the international community and, in particular, with Security Council resolution 777 (1992) which stated that the "Socialist Federal Republic of Yugoslavia has ceased to exist" as well as with the Opinions of the Arbitration Commission of the International Conference on the Former Yugoslavia which stated that "the successor States to the SFRY must together settle all aspects of the succession by agreement ... and that none of the successor States may thereupon claim for itself alone the membership rights previously enjoyed by the former Socialist Federal Republic of Yugoslavia" (Opinion No. 9).

Furthermore, on the basis of international customary law which is codified in the Vienna Convention on Succession of States in Respect of Treaties, in the case of the dissolution of a State, all States which have originated on the territory of the State which has dissolved acquire equal rights and obligations on the basis of the principle of equality, and, in so far as there does not exist a specific agreement among all of the successor States, no single State has the right to claim for itself that it is the automatic and sole successor of the former State.

In this regard, I wish to reiterate the position of the Government of the Republic of Croatia that the "Federal Republic of Yugoslavia (Serbia and Montenegro)" must act as other successor States of the former SFRY have done - notify the Secretary-General, in his capacity as depositary of international treaties, of its intention to be considered a party to the Conventions on Slavery by virtue of succession to the former SFRY.

The Government of the Republic of Croatia sincerely desires that this matter be rectified in such a manner as to accurately reflect the legal status of the successor States of the former SFRY.

I would like to ask for your assistance in distributing this letter as an official document of the Commission on Human Rights.

(Signed): Neven Madey
Chargé d'affaires a.i.